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STEUBING MCGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON MA 01720

10 MAY 2006

In re Application of:
Tal I. Lavian, et al.
Serial No.: 09/747,296
Filed: December 22, 2000
For: **DYNAMIC ASSIGNMENT OF TRAFFIC
CLASSES TO A PRIORITY QUEUE IN A
PACKET FORWARDING DEVICE**

DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A non-final Office action was mailed on September 20, 2004 setting a shortened statutory period of 3 months. A response to the outstanding non-final Office action has not been received. A Notice of Abandonment was mailed May 3, 2006.

A review of the file record indicates that the non-final Office action was returned to the Office on October 6, 2004 as undeliverable. Approximately one month later, on November 16, 2004, applicants filed a revocation of power of attorney and new power of attorney including a change of correspondence address. Although applicants filed the change of address request after the mailing of the non-final Office action, there is evidence in the application that applicant did not receive the non-final Office action and hence there was an irregularity in mailing of the Office action.

Accordingly, although no petition or request to withdraw the holding of abandonment has been filed, the holding of abandonment is hereby withdrawn and the Notice of Abandonment mailed May 3, 2006 is hereby vacated.

Given the time lapse from the mailing of the non-final Office action until the date of this decision, the Office action mailed September 20, 2004 is hereby vacated. This application is being returned to the examiner to update the search and to prepare a new copy of the Office action for mailing, as appropriate. The time period for response will be set to run three months from the mailing date of the new non-final action.

Krista Zele
Special Programs Examiner
Technology Center 2600
Communications